

1 (4) Susan Smith, D.O. understands that pursuant to A.R.S. §32-
2 1855, she has the right to a public hearing concerning each
3 allegation set forth in the above captioned matter at which Susan
4 Smith, D.O. could present evidence and cross-examine witnesses.
5 Susan Smith, D.O. waives her right to such hearing.

6 (5) Susan Smith, D.O. waives any right to rehearing or review
7 or to judicial review of the Findings of Fact Conclusions of Law or
8 Order.

9 (6) Susan Smith, D.O. acknowledges that based upon the Findings
10 of Fact and Conclusions of Law, coupled with her admission thereto,
11 and pursuant to A.R.S. §32-1855, the Board is authorized to take
12 formal disciplinary action against her license to practice
13 osteopathic medicine and surgery.

14 (7) Susan Smith, D.O. understands that she has the right to
15 consult with an attorney prior to signing this Consent to Entry of
16 Order.

17 (8) Susan Smith, D.O. acknowledges that the Findings of Fact,
18 Conclusions of Law and Order contained herein are conclusive
19 evidence of unprofessional conduct which may not be disputed, denied
20 or relitigated in any future proceeding and may be used for purposes
21 of determining sanctions in any future disciplinary matter.

22 (9) Susan Smith, D.O. hereby authorizes any attending
23 physician, psychiatrist or psychologist to release to the Board all
24 records pertaining to her care and treatment.

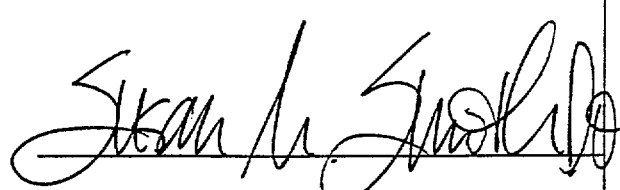
25 (10) Susan Smith, D.O. acknowledges that any violation of this
26 Order by her constitutes grounds for further disciplinary action for
27

1 unprofessional conduct pursuant to A.R.S. §32-1854(26).

2 (11) Susan Smith, D.O. acknowledges that this Order is
3 effective beginning on the 30th day of December, 1992.

4 DATED this 31st day of December, 1992.

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8 _____
Attorney for Respondent


Respondent

9 FINDINGS OF FACT

10 I

11 Susan Smith, D.O. is the holder of License No. 2606 for the
12 practice of osteopathic medicine and surgery in the State of
13 Arizona.

14 II

15 The Board of Osteopathic Examiners in Medicine and Surgery is
16 the duly constituted authority for the regulation of the practice of
17 osteopathic medicine and surgery in the State of Arizona, pursuant
18 to Title 32, chapter 17 of the Arizona Revised Statutes.

19
20 III

21 The Board of Osteopathic Examiners in Medicine and Surgery is
22 authorized, pursuant to A.R.S. §32-1855(B) to require a physician
23 under investigation to undergo any combination of medical, physical
24 or mental examinations the Board finds necessary to determine the
25 physician's competence.

26 IV

1 On October 15, 1992, Susan Smith, D.O., attempted to procure, by
2 means of a fraudulent prescription, a quantity of the controlled,
3 prescription-only medication Xanax at the Albertson's Pharmacy, 2785
4 N. Scottsdale Road, Scottsdale, Arizona.

5 V

6 On October 15, 1992, Susan Smith, D.O., attempted to procure, by
7 means of a fraudulent prescription, a quantity of the prescription-
8 only medication Buspar at the Albertson's Pharmacy, 2785 N.
9 Scottsdale Road, Scottsdale, Arizona.

10 VI

11 On October 15, 1992, Susan Smith, D.O. was arrested on suspicion of
12 attempting to illegally obtain controlled and prescription-only
13 drugs, at the Albertson's Pharmacy, 2785 N. Scottsdale Road,
14 Scottsdale, Arizona.

15 VII

16 On October 15, 1992, following her arrest, Susan Smith, D.O., stated
17 to Officer Kurt Kinsey, Scottsdale Police Department, the arresting
18 officer, that she had been using Xanax for at least six months prior
19 to this incident.

20 VIII

21 Susan Smith, D.O., was not at that time, under the care and
22 treatment of a physician, and had not been prescribed the medication
23 which she had attempted to procure, and which she admitted having
24 taken previously, by a physician as part of a recognized course of
25 treatment.

IX

Susan Smith, D.O., has submitted documentation of compliance with the terms and conditions contained in Consent to Entry of Order and Findings of Fact and Conclusions of Law and Order No. 92-005.

CONCLUSIONS OF LAW

X

The conduct described in paragraphs IV through VIII herein constitutes unprofessional conduct as defined in A.R.S. §32-1854(19): Conduct or practice contrary to recognized standards of ethics of the Osteopathic Medical Profession or conduct or practice which does or might constitute a danger to the health, welfare or safety of the patient or the public or conduct or practice or condition which does or might impair the ability safely and skillfully to practice medicine.

XI

The conduct described in paragraph IV through VIII herein constitutes unprofessional conduct as defined in A.R.S. §32-1854(22): Use of controlled substances or prescription-only drugs unless provided by a medical practitioner, as defined in §32-1901, as part of a lawful course of treatment.

ORDER

Pursuant to A.R.S. §32-1855(E)(4), Susan Smith, D.O. be subject to the following order:

(1) Susan Smith, D.O., may resume the practice of osteopathic medicine and surgery pursuant to compliance with the following terms

1 and conditions:

2 A. Secure and maintain a sponsor for 12 step recovery program.

3 B. Attendance of at least four 12 step meetings/week for the
4 first 12 months of this order.

5 C. Regular meetings with her attending physician per her
6 continuing care plan on file with the Board.

7 D. Attendance at no less than three group therapy meetings/month
8 with a counselor approved by the Board.

9 E. Random body fluid testing to be conducted by the Board.

10 (2) Susan Smith, D.O. shall meet with the Board regularly upon the
11 request of the Board.

12 (3) Susan Smith, D.O. shall use no controlled substance or
13 prescription-only medication unless prescribed by her attending
14 physician. Susan Smith, D.O. shall refrain completely from the use
15 of alcohol. Susan Smith, D.O. shall notify the Board in writing of
16 any substance or medication prescribed to her by a physician within
17 twenty-four hours after such prescription is ordered by the
18 attending physician.

19 (4) Susan Smith, D.O., is hereby placed on probation for a period of
20 not less than three (3) years.

21 (5) Susan Smith, D.O., shall authorize all treating personnel
22 involved in her care to release information on her progress and
23 prognosis to the Board upon its request. This information shall be
24 considered confidential.

25 (6) The terms and conditions of the Stipulation and Agreement
26 entered into by Susan Smith, D.O., with the Arizona Board of
27

1 Osteopathic Examiners in Medicine and Surgery on February 13, 1992,
2 are incorporated as part of this Order, and are included as an
3 addendum hereto, and shall be in effect so long as this Order is
4 effective.

5 (7) Susan Smith, D.O. shall bear any and all costs of compliance
6 with this order.

7
8
9 DATED this 31st day of December, 1992

10
11 ARIZONA STATE BOARD OF OSTEOPATHIC
12 EXAMINERS IN MEDICINE AND SURGERY

13 [S E A L]

14 By William C. Hlubek, D.O.
President

15 By Robert J. Miller
16 Executive Director